

NOTICE PURSUANT TO BLR 3007(c)

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 20 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 20 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED.

A HEARING REGARDING THIS MATTER BEFORE THE HONORABLE BANKRUPTCY JUDGE MARVIN ISGUR, WILL BE HELD ON DECEMBER 5, 2012, 9:00 A.M., COURT ROOM 404, 4TH FLOOR, 515 RUSK, HOUSTON, TEXAS 77002.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**VICTOR MALCOLM BROWN AND
CAROLYN ALLEYNE BROWN**

DEBTOR(S)

§
§
§
§
§
§

Case No. 12-34983-H1-13

Chapter 13

OBJECTION TO PROOF OF CLAIM OF HSBC BANK NEVADA, N.A. - CLAIM #4

TO THE HONORABLE JUDGE OF SAID COURT:

VICTOR MALCOLM BROWN AND CAROLYN ALLEYNE BROWN, the Debtors
herein, pursuant to 11 U.S.C. §502, Bankruptcy Rule of Procedure 3007, and Local Bankruptcy

Rule of Procedure 3007 hereby object to unsecured Claim Number 4, filed by HSBC BANK NEVADA, N.A. (“Respondent”).

1. Bankruptcy Rule 3001(c) requires that when a claim is based on a writing, “the original or a duplicate shall be filed with the proof of claim.”
2. If there is no writing then the claim violates the Statute of Frauds and must be denied.
3. Respondent’s Claim does not contain any written basis for any requested amounts.
4. The proof of claim contains nothing showing a promise to pay by the Debtors, or the source of the underlying records that could support the unsubstantiated numbers.
5. The claim is totally without supporting evidence.
6. The alleged claim fails to meet the requirements of Rule 3001 and must be stricken.
7. The unsworn declaration of the Debtor’s Counsel is attached as Exhibit 1.

WHEREFORE, the Debtor requests an Order disallowing the Unsecured Claim Number 4 filed by HSBC BANK NEVADA, N.A. , and for such other and further relief as is just.

Dated: November 5, 2012

Respectfully submitted,
JESSE AGUINAGA,
ATTORNEY AT LAW, P.C.

//s// Jesse Aguinaga

Jesse Aguinaga, State Bar No. 00798026
The Center, 8323 S.W. Frwy, Suite 670
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ATTORNEY FOR DEBTOR(S)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
VICTOR MALCOLM BROWN AND CAROLYN ALLEYNE BROWN	§	Case No. 12-34983-H1-13
	§	
DEBTOR(S)	§	Chapter 13

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY REGARDING
PROOF OF CLAIM OF HSBC BANK NEVADA, N.A. CLAIM #4**

The undersigned, (“Declarant”), hereby makes this unsworn declaration under penalty of perjury. This Declaration is in connection with an objection to the following described proof of claim (the “Proof of Claim”):

Claimant: HSBC Bank Nevada, N.A., (“Claimant”)

Date of Proof of Claim: July 1, 2012

Amount of Proof of Claim: \$6,003.31

In connection with the Proof of Claim, said Claim does not contain proper documentation to support the Claim. The Claim does not contain the authorizations for any charges, the agreement to pay, the basis for the determination of the amounts due, nor any other documentation. The Debtors dispute the amount of the alleged Claim. The Debtors nor the undersigned Counsel have not received nor do they have any documentation to support or determine the amount or validity of the Claim.

Dated: November 5, 2012

//s//Jesse Aguinaga

Jesse Aguinaga, Attorney for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
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	§	
DEBTOR(S)	§	Chapter 13

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 6, 2012, a true and correct copy of the foregoing, Objection to Proof of Claim of HSBC Bank Nevada, N.A.,- Claim #4, was served by U.S. First Class mail and/or by ECF Transmission on the Parties listed

below.

US TRUSTEE:
JUDY ROBBINS
515 RUSK, STE. 3516
HOUSTON, TX 77002

Respectfully submitted,
JESSE AGUINAGA,
ATTORNEY AT LAW, P.C.

//s// Jesse Aguinaga

CHAPTER 13 TRUSTEE:
DAVID G. PEAKE
STANDING CHAPTER 13 TRUSTEE
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CLAIMANT:
HSBC BANK NEVADA, N.A.
C/O PRA RECEIVABLES MANAGEMENT, LLC
PO BOX 12907
NORFOLK,, VA 23541

ATTORNEY FOR DEBTOR(S)

DEBTOR:
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